

PD-1042-18
In the Court of Criminal Appeals of Texas
At Austin

FILED
COURT OF CRIMINAL APPEALS
1/24/2019
DEANA WILLIAMSON, CLERK

—◆—
No. 01-16-00768-CR
In the Court of Appeals
For the First District of Texas
At Houston

—◆—
No. 1487627
In the 337th District Court
Of Harris County, Texas

—◆—
Ruben Lee Allen
Appellant

v.

The State of Texas
Appellee

—◆—
**State's Final Motion for Extension of Time
To File Brief on State's PDR**
—◆—

To the Honorable Court of Appeals:

The State of Texas asks for an extension of time to allow for the filing of its brief contemporaneous with this motion. The following facts are relevant:

1. The appellant was indicted for aggravated robbery. (CR 22). The indictment alleged a prior felony conviction. (CR 22). The appellant pleaded not guilty, but a jury found him guilty as charged. (4 RR 5;

CR 111). The jury found the enhancement allegations true and assessed punishment at twenty-five years' confinement. (CR 121). The trial court certified the appellant's right of appeal, and the appellant filed a timely notice of appeal. (CR 127, 130).

2. A split panel of the First Court affirmed the trial court's judgment on August 30, 2018.
3. This Court granted petitions for discretionary review from both the State and the appellant on December 12, 2018.
4. The State's brief was due on January 11, 2019. The State requested, and this Court granted, a 7-day extension until January 18, 2019.
5. This is the State's second request for extension. This is a two-day extension, making a total extension of nine days since the State's first due date.
6. The State's appellate counsel has been working on this brief off and on since this Court granted discretionary review. He has worked on this brief exclusively since January 9, including considerable time on nights and weekends (as shown in part by filing the brief and this motion on the Sunday of a three-day weekend). He has made what he believes to be a diligent effort to timely complete this brief, which is more complicated than the typical briefs he works on.

The State asks this Court to grant the requested extension.

Respectfully submitted,

/s/ C.A. Morgan

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Date: January 20, 2019